UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,284	03/01/2002	Thomas J. Davis	47440-046000	2059

7590 01/20/2006		EXAMINER

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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-12 and 14-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-12 and 14-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: RCE filed 11/14/05 to the

application filed on 3/1/02.

2.   Claims 1-2, 4-12, 14-20 are pending in the case. Claims 1 and 11 are

independent claims.

3.   The rejections of claims 1-2, 4-12, 14-20 under 35 U.S.C. 112, first paragraph

have been withdrawn in view of the amendment.

4.   The rejections of claims 1-2, 4-12, 14-20 under 35 U.S.C. 103(a) as being

unpatentable over Nesser in view of Conner and Yamaguchi have been withdrawn in

view of the amendment.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims 1-2, 4-12, 14-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nesser et al. (US Pat No. 6,782,339 B2, 8/24/04, filed 8/7/01) in view

of Conner et al. (US Pat No. 6,718,515 B1, 4/6/04, filed 12/7/99), Yamaguchi (US Pat

No. 5,943,683, 8/24/99, filed 12/17/96), and Crowe et al. (US pat No. 5,970,488,

10/19/99, filed 5/5/97).

Regarding independent claim 1, Nesser discloses:

-      a table that provides data for the gauge to calculate the volume of the tank (col 7,

       lines 35-45; col 5, line 33 to col 6, line 47) *where said table includes a table*

       header and table data (col 7, line 42 to col 8, line 12)

-      transmitting the result of the calculated liquid volumes via telemetry to a remote

       device of user's choosing (col 2, lines 43-57)

Nesser does not disclose that:

-      generating gauge table data for the gauge table according to a requested format

-      providing the gauge table with the specific format as requested

Conner discloses:

-      receiving a request to provide a table, said request including a requested format

       to provide said table (col 3, lines 22-33: "a method is operative at a server *in*

       response to a client browser request for *generating a table having* dynamic data")

- generating table data for said table (figure 4, col 3, lines 22-33: "a method is operative at a server *in response to a client browser request* for *generating a table having* dynamic data")

- converting said table to said requested format (figure 4, #400, #402; col 5, lines 10-50)

- providing said table via said requested format (col 3, lines 22-33:"the dynamic data extracted from the given data object ... formatted into the table according to the table format object. The *resulting table with dynamic data is then served* *back to the requesting client browser*")

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Conner into Nesser for the following reason. Conner discloses providing a format for a table upon a request of the table format thus motivating to incorporate into the lookup table containing data for the gauge to calculate the liquid volume in Nesser for effectively rendering a table containing gauge information, which is considered as equivalent to a gauge table, with a requested format to users.

Conner and Nesser do not disclose:

- auditing said header information and said detail information

- generating an error report based on the auditing

Yamaguchi discloses:

- a record management table including header and the whole data of records in the table (figure 3, col 7, lines 13-18)

- analyzing the data in the record management table in an error process and

    sending an error report to a source request (figure 4, col 7, lines 20-50) where

    said sending inherently shows that an error report is generated before sending

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Yamaguchi into Conner and Nesser for the following

reason. Yamaguchi discloses analyzing the data in the record management table

including the header data and the whole data of records in the table and sending an

error report to a source request.   These features of Yamaguchi provide the advantage

to incorporate into Conner and Nesser for fast recognizing the error of a table data and

solving data problems thanks to the error report created from auditing data in the table.

Nesser, Conner and Yamaguchi do not disclose that the header information includes

information identifying the railcar.

Crowe discloses the header information of the modified table for identifying the modified

table and the record in the modified table (col 3, line 66 to col 4, line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to have modified Crowe to include a gauge table for a railcar with

the header information identifying the railcar since the fact that the header information of

a table includes information for identifying data in the table in Crowe suggests that by

analogy, with another type of data, for example, the gauge data or the railcar data, the

header of a table of said data would include information identifying the data included in

the table.

Also, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to have included using said error report to determine whether there

is any errors to be corrected before converting and providing said gauge table since it

was a common sense to check for errors of a document and correct the errors before

providing said document, for example, Word has the Spelling and Grammar checking

tool for checking errors in a document before printing the document.

And, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to have combined Crowe into Nesser, Conner and Yamaguchi for

providing a gauge table for a railcar tank with accurate data to request users.

Regarding claim 2, which is dependent on claim 1, Nesser discloses checking said

gauge table for errors (col 9, lines 1-12: checking gauge information for errors; since the

gauge information is retrieved from the lookup table, checking gauge information for

errors implies checking gauge table for errors).

Regarding claims 4 and 5, which are dependent on claim 1, Nesser does not disclose

that the request format is via computer network and Internet.

Conner discloses that the request format is via a computer network (figure 1) and via

the Internet (col 5, lines 10-20: *generating an HTML table format* in *response to a client

request* shows that said request is performed via the Internet).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Conner into Nesser since Conner discloses that the

request format is via a computer network and Internet, thus motivating to incorporate

into Nesser for performing the request format via a computer network and Internet to

provide a wide range of communicating between the service providers and users as well

as transmitting the gauge data to users.

Regarding claim 6, which are dependent on claim 1, Nesser and Conner do not disclose

that the gauge table includes innage gauge table data and outage gauge table data.

Instead, Nesser discloses that the information in the look up table is for calculating the

liquid volume in a tank and the vaporized volume of liquid in a tank (col 7, lines 35-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have modified Nesser to incorporate the innage data and the outage data

in the gauge table for the following reason. The calculated liquid volume in the tank

suggests the current volume data of the tank which is equivalent to the innage data.

The vaporized volume of liquid in a tank suggests the removed volume data from the

tank which is equivalent to the outage data. Therefore, the information in the lookup

table in Nesser does suggest the innage data and the outage data.

Regarding claim 7, which are dependent on claim 1, Nesser does not disclose that the

request includes information about the requestor.

Conner discloses that the request includes information about the requestor (**figure 1**:

since the response is returned to the client browser, which is the requestor, the client

request when sent to the server, must include the requestor information so that the response is returned to the right client).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Conner into Nesser since Conner includes the information about the requestor in the request providing the advantage to incorporate into Nesser for having the requested table returned to a proper requestor based on the information included in the sending request.

Regarding claim 8, which are dependent on claim 1, Nesser does not disclose converting said table data to said requested format is accomplished via a mapping program.

Conner discloses that converting said table data to said requested format is accomplished via a mapping program (col 6, lines 23-35, col 7, lines 56-62; col 8, lines 1-11: formatting raw data so that the data has a proper type to be populated into a table properly shows mapping the formatted data and the data type of the table).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Conner into Nesser for the following reason. Conner has the ability of converting the table to a requested format via a mapping program providing the advantage to include in Nesser for effectively rendering a suitable format for a table according to a user request.

Regarding claims 9 and 10, which are dependent on claim 1, Nesser does not disclose

that said request is made via a computer network.

Conner discloses that said request is made via a computer network (figure 1) and via

the Internet (col 5, lines 10-20: *generating an HTML table* in *response to a client request*

shows that said request is performed via the internet).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Conner into Nesser since Conner discloses that the

request format is via a computer network and Internet thus motivating to incorporate into

Nesser for performing the request format via a computer network and Internet to provide

a wide range of communicating between the service providers and users and

transmitting the gauge data to users.

Claims 11-12, 14-20 are for a system of method claims 1-2, 4-10, and are rejected

under the same rationale.

Response to Arguments

8.   Applicant's arguments with respect to claims 1-2, 4-12, 14-20 have been

considered but are moot in view of the new ground(s) of rejection.

Applicants argue that Nesser, Conner, and Yamaguchi do not disclose receiving header

information including information identifying the railcar", as amended in independent

claims 1 and 11.

Examiner agrees.

Crowe discloses a table with its header including information identifying the data

included in the table (col 3, line 66 to col 4, line 20). By analogy, a table that includes

another type of data would have a header that includes information identifying the data

in the table. Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention was made to have modified the table with said header

information in Crowe to include the railcar data and combined to Nesser for obtaining a

gauge table of a railcar with header information identifying railcar gauge data.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Darby, Jr. et al. (US Pat No. 6,867,708, 3/15/05, priority 3/17/98).

Harrison et al. (US Pat No. 6,104,978, 8/15/00, filed 4/6/98).

Ehrman (US Pat No. 6,400,287, 6/4/02, filed 7/10/00).

Pereira (US Pat No. 6,122,640, 9/19/00, filed 9/22/98).

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-

4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-4125.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Cong-Lac Huynh
Primary Examiner
Art Unit 2178
01/12/06